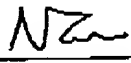


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Christoph KIRSCH, et al. Confirmation No.: 3234  
Application No.: 09/831,272 Examiner: MARVICH, Maria  
Date Filed: August 13, 2001 Group: 1633  
For: CHIMERIC PROMOTERS CAPABLE OF MEDIATING GENE  
EXPRESSION IN PLANTS UPON PATHOGEN INFECTION AND USES THEREOF

Certificate of Transmission/Mailing

I hereby certify that this correspondence is being facsimile transmitted (571-273-8300) to the USPTO or deposited as first class mail with the U.S. Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 27 2006

  
Nicholas A. Zachariades, Reg. No. 56,712

**RESPONSE TO FINAL OFFICE ACTION**

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Final Office Action mailed December 27, 2005. This response is being filed with a petition for a three month retroactive of time and the required fee. Although, Applicants believe that no further extensions of time are required with submission of this paper, Applicants request that this submission also be considered as a petition for any further extensions of time if necessary. The Commissioner for Patents and Trademarks is hereby authorized to charge the amount due for any retroactive extensions of time and any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing or during prosecution of this application to Deposit Account No. 50-0951.

Amendments to the claims start on page 2.

Remarks/Arguments begin on page 9.

{WP294463,1}